

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VICTORIA RYAN,

Plaintiff,

v.

EDITIONS LIMITED WEST, INC. ET
AL,

Defendants.

Case No.: C- 06-4812 PVT

**ORDER DENYING REQUEST FOR
VOLUNTARY DISMISSAL OF
COUNTERCLAIM WITHOUT
PREJUDICE**

On December 14, 2006, the Court denied the special motion by Plaintiff, Victoria Ryan, to strike the counterclaim of Defendant Editions Limited West (“Editions”).¹ Plaintiff filed a notice of appeal from that order on December 15, 2006. On December 27, 2006, Editions filed a request for voluntary dismissal of its counterclaim without prejudice. On January 4, 2007, the Court issued an Order allowing Plaintiff time to file an opposition to the Request. Plaintiff timely filed her Opposition to the Request.

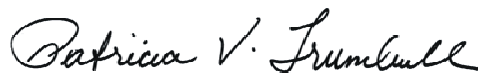
As Plaintiff argues, when a notice of appeal is filed, the district court is divested of jurisdiction over the matters appealed. “The filing of a notice of appeal is an event of jurisdictional significance-it confers jurisdiction on the court of appeals and divests the district

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident*
2 *Consumer Discount Co.*, 459 U.S. 56, 58,(1982); *see also Natural Res. Def. Council v. Southwest*
3 *Marine, Inc.*, 242 F.3d 1163, 1167 (9th Cir. 2001). Accordingly,

4 IT IS HEREBY ORDERED that Defendant’s Request for Voluntary Dismissal of its
5 Counterclaim without prejudice is Denied.

6
7 Dated: January 30, 2007

8 
9 PATRICIA V. TRUMBULL
United States Magistrate Judge